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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/980,547 11/23/92 BRINON

MS-335, 933

EXAMINER

ALEXANDER, V

ART UNIT	PAPER NUMBER
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33M1/1208

3306

DATE MAILED:

12/08/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 9/27/93 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

<input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892.	<input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948.
<input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.	<input type="checkbox"/> Notice of Informal Patent Application, PTO-152.
<input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.	<input type="checkbox"/>

Part II SUMMARY OF ACTION

1. Claims 1-23 are pending in the application.

Of the above, claims 6, 7, 11, 15-21 are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1-5, 8-10, 12-14, 22, 23 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other _____

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 9, 12-14, and 22-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kilmarx.

Kilmarx discloses a connector comprising a tubular chamber with two connector means, a plug, and a coil spring (14).

The plug is force-fit into the passage and the connector contains an abutment (11f) against which the plug bears. The passage is conical in shape and the plug has a complimentary conical shape. (See Figures 1 and 2.)

The end of the needle is embedded in the material of the plug.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this

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section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claim 10 is rejected under 35 U.S.C. § 103 as being unpatentable over Kilmarx in view of Bonaldo.

Kilmarx discloses the invention substantially as claimed. (See above discussion.) However, Kilmarx does not disclose a chamfered end of a needle.

Bonaldo discloses a chamfered needle end in the same field of endeavor for the purpose of more efficient insertion.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the chamfered needle end in order to provide a more efficient device.

RESPONSE TO APPLICANT'S ARGUMENTS

Applicant's arguments filed September 27, 1993 have been fully considered but they are not deemed to be persuasive.

First, Applicant argues that Kilmarx does not disclose a plug which completely fills the passage of the downstream coupling. The Examiner disagrees. Figure 1 shows that the passage is filled by the plug and must necessarily be so since the object of the plug is to control fluid flow.

Secondly, Applicant argues that the bore and passage in Kilmarx are open to contamination as the result of the location of the sealing member. The Examiner believes this argument is irrelevant to the structure claimed by applicant. The structure

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disclosed in Kilmarx reads on the structure claimed by applicant, regardless of the function of the structure. Furthermore, applicant asserts that the invention disclosed by Kilmarx would not be used for medical purposes since the apparatus can be contaminated. The Examiner disagrees. The first sentence of Kilmarx discloses that the invention is to be used with catheters. (See column 1, lines 9-11.)

Thirdly, applicant argues that the position of the needle in Kilmarx teaches away from the position of the needle disclosed in applicant's invention. The Examiner disagrees. Kilmarx discloses that plug may be moved from a closed position (Figure 1) to an open position (Figure 3) where the needle may pass through the plug.

Thus, claims 1-5, 8-10, 12-14, and 22-23 remain rejected.

The Examiner appreciates applicant making known to the Examiner the error made on the cover sheet of the prior Office Action regarding the rejection of claims 21-22. The Examiner agrees that claim 21 is not rejected and has been withdrawn from consideration.

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Any inquiry concerning this communication should be directed to Vanitha Alexander at telephone number (703) 308-4987.

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December 06, 1993
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JOHN D. YASKO
PRIMARY EXAMINER
JULY 1997